

**UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK**

NEW YORK SMSA LIMITED PARTNERSHIP  
d/b/a VERIZON WIRELESS, NEW  
CINGULAR WIRELESS PCS, LLC d/b/a  
AT&T, SPRINT SPECTRUM L.P. d/b/a  
SPRINT, and OMNIPOINT  
COMMUNICATIONS, INC. a wholly owned  
subsidiary of T-MOBILE USA, INC.

Plaintiffs,

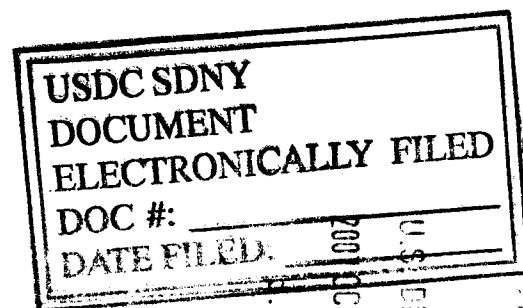
v.

TOWN OF CLARKSTOWN, and  
THE TOWN BOARD OF THE TOWN OF  
CLARKSTOWN

Defendants.

**Case No.: 07-CV-07637 (CLB)**

**NOTICE OF MOTION TO  
ADMIT COUNSEL PRO HAC VICE**



TO: John E. Barry, Esquire  
Andrew G. McBride, Esquire  
Wiley Rein LLP  
1776 K Street, N.W.  
Washington, DC 20006  
*Attorneys for Plaintiff New York SMSA  
Limited Partnership d/b/a Verizon Wireless*

Gregory D. Meese, Esquire  
Price, Meese, Shulman & D'Arminio, P.C.  
50 Tice Boulevard  
Woodcliff Lake, New Jersey 07677  
*Attorneys for Plaintiff Sprint Spectrum L.P.*

Christopher B. Fisher, Esquire  
Cuddy & Fedder LLP  
445 Hamilton Avenue, 14<sup>th</sup> Floor  
White Plains, New York 10601  
*Attorneys for Plaintiff New Cingular  
Wireless PCS, LLC*

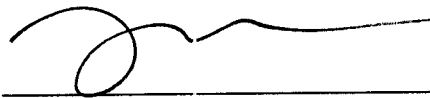
Megan F. Carroll, Esquire  
Rosenberg Calica & Birney LLP  
100 Garden City Plaza, Suite 408  
Garden City, New York 11530  
*Attorneys for Defendants Town of  
Clarkstown and The Town Board  
of the Town of Clarkstown*

**PLEASE TAKE NOTICE**, that upon the annexed Declaration of Michael A. Lampert,  
Esq., the accompanying Declaration of Karl J. Nelson, Esq. and the Certificate of Good Standing  
annexed thereto, we move this Court, as soon as counsel may be heard, before the Honorable  
Charles L. Briant at the United States Courthouse for the Southern District of New York,

pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York for an Order allowing the admission of Karl J. Nelson, Esquire, a Partner in the law firm of Saul Ewing LLP, as attorney *pro hac vice* to argue or try this case in whole or in part as counsel.

Respectfully submitted,

Dated: 10/29/07



MICHAEL A. LAMPERT, ESQUIRE (ML 1064)  
SAUL EWING LLP  
750 College Road East  
Suite 100  
Princeton, NJ 08540-6617  
Phone: (609) 452-3123  
Fax: (609) 452-3125  
Counsel for Plaintiff  
Omnipoint Communications, Inc.

**UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK**

NEW YORK SMSA LIMITED PARTNERSHIP  
d/b/a VERIZON WIRELESS, NEW  
CINGULAR WIRELESS PCS, LLC d/b/a  
AT&T, SPRINT SPECTRUM L.P. d/b/a  
SPRINT, and OMNIPOINT  
COMMUNICATIONS, INC. a wholly owned  
subsidiary of T-MOBILE USA, INC.

Plaintiffs,

v.

TOWN OF CLARKSTOWN, and  
THE TOWN BOARD OF THE TOWN OF  
CLARKSTOWN

Defendants.

**Case No.: 07-CV-07637 (CLB)**

**DECLARATION OF  
MICHAEL A. LAMPERT, ESQ.**

MICHAEL A. LAMPERT, ESQ. declares and says:

1. I am a Partner at the law firm of Saul Ewing LLP, attorneys for Plaintiff Omnipoint Communications, Inc. ("Plaintiff") in the above-captioned action. I make this declaration in support of the application to admit Karl J. Nelson, Esq. *pro hac vice* in accordance with Local Rule 1.3(c) of the United States District Court for the Southern District of New York to represent Plaintiff in this action.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in 1977. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. In this litigation, I and other colleagues of my firm will appear as attorneys of record for Plaintiff. Plaintiff is a wholly owned subsidiary of T-Mobil USA, Inc., a

Delaware Corporation, with its principal place of business at 12920 SE 38<sup>th</sup> Street, Bellevue, Washington 98006, is licensed by the FCC, and provides commercial mobile services and personal wireless services as those terms are defined under federal law in and around Clarkstown, New York.

4. Mr. Nelson is a Partner at Saul Ewing LLP, a Delaware LLP, in Baltimore, Maryland.

5. I attest to the good moral and professional character of Mr. Nelson and, at the request of our client, respectfully move his admission *pro hac vice* to serve as co-counsel in this litigation, representing Plaintiff with the right to actively participate in the conduct of any trial or any pretrial or post-trial proceeding before this Court concerning this litigation. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: \_\_\_\_\_

10/29/07



\_\_\_\_\_  
MICHAEL A. LAMPERT, ESQUIRE (ML 1064)

**UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK**

NEW YORK SMSA LIMITED PARTNERSHIP  
d/b/a VERIZON WIRELESS, NEW  
CINGULAR WIRELESS PCS, LLC d/b/a  
AT&T, SPRINT SPECTRUM L.P. d/b/a  
SPRINT, and OMNIPOINT  
COMMUNICATIONS, INC. a wholly owned  
subsidiary of T-MOBILE USA, INC.

Plaintiffs,

v.

TOWN OF CLARKSTOWN, and  
THE TOWN BOARD OF THE TOWN OF  
CLARKSTOWN

Defendants.

**Case No.: 07-CV-07637 (CLB)**

**DECLARATION OF  
KARL J. NELSON, ESQ.**

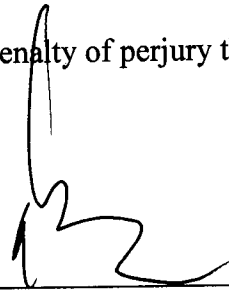
KARL J. NELSON, ESQ. declares and says:

1. I am a Partner in the law firm of Saul Ewing LLP. My Firm's principal business address is 500 East Pratt Street, Suite 900, Baltimore, Maryland 21202. My business telephone is 410-332-8663.
2. I received my law degree in 1990 from the University of Baltimore School of Law in Baltimore, Maryland.
3. I have been licensed to practice law in the State of Maryland since December, 1990.
4. I am, and always have been, a member in good standing of all Courts to which I have been admitted. In preparation for this motion, I have attached an original of a Certificate of Good Standing for each jurisdiction to which I am admitted as Exhibit A.

5. Having spoken directly with representatives of my client on this matter, I can represent to the Court that my client has full confidence in my legal abilities, and wishes for me to participate as its counsel in this proceeding.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: 10/19/07

  
\_\_\_\_\_  
KARL J. NELSON, ESQUIRE

**Court of Appeals  
of Maryland**  
Annapolis, MD



***CERTIFICATE OF GOOD STANDING***

***STATE OF MARYLAND, ss:***

*I, Alexander L. Cummings, Clerk of the Court of Appeals of Maryland,  
do hereby certify that on the nineteenth day of December, 1990,*

**Karl Joseph Nelson**

*having first taken and subscribed the oath prescribed by the Constitution and  
Laws of this State, was admitted as an attorney of said Court, is now in good  
standing, and as such is entitled to practice law in any of the Courts of said  
State, subject to the Rules of Court.*

***In Testimony Whereof, I have hereunto  
set my hand as Clerk, and affixed the Seal  
of the Court of Appeals of Maryland, this  
seventeenth day of October, 2007.***

A handwritten signature in cursive script, reading "Alexander L. Cummings". The signature is written in dark ink and is positioned above the title of the signatory.

***Clerk of the Court of Appeals of Maryland***



# **Certificate of Good Standing**

**UNITED STATES OF AMERICA**

**DISTRICT OF MARYLAND**

**I, Felicia C. Cannon, Clerk of the United States District Court for the District of Maryland,**


**DO HEREBY CERTIFY that, KARL JOSEPH NELSON, ESQUIRE, BAR NUMBER 09686, was duly admitted to practice in the United States District Court for the District of Maryland on February 7, 1992, and is currently in good standing as a member of the bar of this Court.**

**Dated at Baltimore, Maryland**

**FELICIA C. CANNON**

**Clerk**

**Date: October 18, 2007**

  
**Tina Stavrou - Deputy Clerk**



# United States Court of Appeals

FOR THE NINTH CIRCUIT

## CERTIFICATE OF GOOD STANDING

I, Cathy A. Catterson, Clerk of this Court,  
certify that KARL JOSEPH NELSON was duly admitted  
to practice in this Court on February 26, 2007  
Date  
and is in good standing in this Court.

Dated at San Francisco, CA on October 18, 2007  
Location Date

Cathy A. Catterson  
CLERK

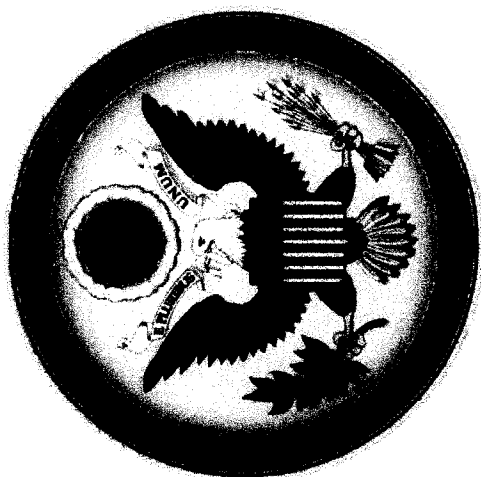
Jenny Hanez  
DEPUTY CLERK

**In the United States Court of Federal Claims**

I, Brian Bishop, Clerk of the United States Court of Federal Claims, do hereby certify that **Karl Joseph Nelson**, Esquire was on **December 26, 2000**, duly sworn, enrolled and admitted as an attorney of the United States Court of Federal Claims; and on this date is a member of the United States Court of Federal Claims bar in good standing, as appears from the records and files of this office.

IN TESTIMONY WHEREOF I have hereunto  
subscribed my hand and affixed the seal  
of said Court at Washington, D.C.,  
this 24<sup>th</sup> day of October, A.D., 2007.

  
Brian Bishop, Clerk



## **CERTIFICATE OF GOOD STANDING**

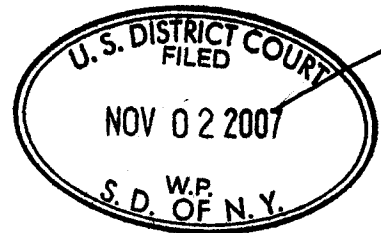
I, Patricia S. Connor, Clerk of this Court, certify that Karl Joseph Nelson was duly admitted to practice in this Court on November 3, 1997, and is in good standing in this Court.

Dated at Richmond, Virginia, on October 19, 2007.

Patricia S. Connor  
CLERK

*Leve B. Gray*  
DEPUTY CLERK

**UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK**



NEW YORK SMSA LIMITED PARTNERSHIP  
d/b/a VERIZON WIRELESS, NEW  
CINGULAR WIRELESS PCS, LLC d/b/a  
AT&T, SPRINT SPECTRUM L.P. d/b/a  
SPRINT, and OMNIPOINT  
COMMUNICATIONS, INC. a wholly owned  
subsidiary of T-MOBILE USA, INC.

**Case No.: 07-CV-07637 (CLB)**

**ORDER GRANTING  
PRO HAC VICE ADMISSION**

Plaintiffs,

v.

TOWN OF CLARKSTOWN, and  
THE TOWN BOARD OF THE TOWN OF  
CLARKSTOWN

Defendants.

THIS MATTER having been opened to the Court by Saul Ewing LLP, counsel for Plaintiffs Omnipoint Communications, Inc. for an Order, pursuant to Rule 1.3(c) of the Local Rules of the United States District Court for the Southern District of New York, admitting Karl J. Nelson, Esq. *pro hac vice* to represent Plaintiff Omnipoint Communications, Inc. and to argue or try this case in whole or in part as counsel, and the Court having considered the papers submitted in support of and in opposition, if any, and the Court having heard oral argument, and for good cause shown:

IT IS ON this 2 day of November, 2007,

**ORDERED** that the motion for admission to practice *pro hac vice* is hereby GRANTED.

So admitted, KARL J. NELSON, ESQUIRE, may actively participate in the conduct of the trial

or any pretrial or post-trial proceeding before this Court concerning this litigation on behalf of Plaintiff Omnipoint Communications, Inc.

~~An attorney admitted to practice *pro hac vice* is required to pay a \$25.00 attorney admission fee and present this Order to the intake deputy in the Clerk's Office. When paying by mail, return a copy of this Order to the Clerk's Office with the required fee.~~

White Plains, NY  
November 2, 2007

*Charles L. Brieant*

Hon. Charles L. Brieant, U.S.D.J.

**UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK**

NEW YORK SMSA LIMITED PARTNERSHIP  
d/b/a VERIZON WIRELESS, NEW  
CINGULAR WIRELESS PCS, LLC d/b/a  
AT&T, SPRINT SPECTRUM L.P. d/b/a  
SPRINT, and OMNIPOINT  
COMMUNICATIONS, INC. a wholly owned  
subsidiary of T-MOBILE USA, INC.

Plaintiffs,

v.

TOWN OF CLARKSTOWN, and  
THE TOWN BOARD OF THE TOWN OF  
CLARKSTOWN

Defendants.

**Case No.: 07-CV-07637 (CLB)**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion for *Pro Hac Vice*

Admission was served upon counsel for the Defendants via Federal Express:

John E. Barry, Esquire  
Andrew G. McBride, Esquire  
Wiley Rein LLP  
1776 K Street, N.W.  
Washington, DC 20006  
*Attorneys for Plaintiff New York SMSA Limited  
Partnership d/b/a Verizon Wireless*


Christopher B. Fisher, Esquire  
Cuddy & Fedder LLP  
445 Hamilton Avenue, 14<sup>th</sup> Floor  
White Plains, New York 10601  
*Attorneys for Plaintiff New Cingular Wireless PCS, LLC*

Gregory D. Meese, Esquire  
Price, Meese, Shulman & D'Arminio, P.C.  
50 Tice Boulevard  
Woodcliff Lake, New Jersey 07677  
*Attorneys for Plaintiff Sprint Spectrum L.P.*

Megan F. Carroll, Esquire  
Rosenberg Calica & Birney LLP  
100 Garden City Plaza, Suite 408  
Garden City, New York 11530  
*Attorneys for Defendants Town of Clarkstown and  
The Town Board of the Town of Clarkstown*

Dated: \_\_\_\_\_

11/29/07

  
\_\_\_\_\_  
MICHAEL A. LAMPERT, ESQUIRE